

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 59

March 28, 1996, 8:54 p.m.
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STATE DEPARTMENT AUTHORIZATION CONFERENCE/Passage

SUBJECT: Conference report to accompany the Foreign Relations Authorization Act, fiscal years 1996 and 1997 . .
. H.R. 1561. Agreeing to the conference report.

ACTION: CONFERENCE REPORT AGREED TO, 52-44

SYNOPSIS: The conference report to accompany H.R. 1561, the Foreign Relations Authorization Act, fiscal years 1996 and 1997, will authorize appropriations for 4 years for the State Department and the functions of the Arms Control and Disarmament Agency (AID), the Agency for International Development (AID), and the United States Information Agency (USIA). Funding will be reduced by \$1.7 billion, using fiscal year (FY) 1995 as the baseline. The President will have until October 1, 1996 to submit to Congress his plan for eliminating the above-listed agencies and consolidating their functions within the State Department. The President will be permitted to waive this requirement for any two of those agencies.

Other provisions include the following:

- visas will be denied to individuals: who are members of terrorist organizations; who have advocated terrorism; who have incited racial vilification; who have advocated the death of U.S. citizens or officials; or who have advocated the overthrow of the U.S. Government;
- funds authorized under this Act will not be used to promote the principle or doctrine of world government or one world citizenship;
- funding will be authorized for the National Endowment for Democracy;
- the sale or transport of certain light weapons to Indonesia will be prohibited unless the Secretary of State reports that Indonesia has made "significant progress" on human rights in East Timor and elsewhere;
- no funds authorized by this Act will be used to effect the involuntary return of any person to a country in which the person has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion;
- a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for

(See other side)

YEAS (52)		NAYS (44)		NOT VOTING (4)	
Republicans (52 or 100%)	Democrats (0 or 0%)	Republicans (0 or 0%)	Democrats (44 or 100%)	Republicans (1)	Democrats (3)
Abraham	Helms	Akaka	Inouye	Mack- ²	Exon- ²
Ashcroft	Hutchison	Baucus	Johnston		Pryor- ²
Bennett	Inhofe	Biden	Kennedy		Rockefeller- ²
Bond	Jeffords	Bingaman	Kerrey		
Brown	Kassebaum	Boxer	Kerry		
Burns	Kempthorne	Bradley	Kohl		
Campbell	Kyl	Breaux	Lautenberg		
Chafee	Lott	Bryan	Leahy		
Coats	Lugar	Bumpers	Levin		
Cochran	McCain	Byrd	Lieberman		
Cohen	McConnell	Conrad	Mikulski		
Coverdell	Murkowski	Daschle	Moseley-Braun		
Craig	Nickles	Dodd	Moynihan		
D'Amato	Pressler	Dorgan	Murray		
DeWine	Roth	Feingold	Nunn		
Dole	Santorum	Feinstein	Pell		
Domenici	Shelby	Ford	Reid		
Faircloth	Simpson	Glenn	Robb		
Frist	Smith	Graham	Sarbanes		
Gorton	Snowe	Harkin	Simon		
Gramm	Specter	Heflin	Wellstone		
Grams	Stevens	Hollings	Wyden		
Grassley	Thomas				
Gregg	Thompson				
Hatch	Thurmond				
Hatfield	Warner				

EXPLANATION OF ABSENCE:

- 1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

- AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, will be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance will be deemed to have a well founded fear of persecution on account of political opinion (the Clinton Administration's current policy is to force women who are fleeing China's coercive abortion and sterilization policies back into China);

- funds made available under this Act will not be used to effect the involuntary return of any person to a country if there are substantial grounds for believing that person would then be tortured;

- United States voluntary contributions to the United Nations Development Program will be limited until the President certifies that any aid the program gives in Burma does not benefit the State Law and Order Restoration Council (SLORC) and is approved by the leadership of the National Leagues for Democracy and the leadership of the National Coalition Government of the Union of Burma;

- \$80 million will be reauthorized for each of fiscal years 1996 and 1997 for refugee settlement in Israel;

- the Housing Guarantee Program (which has already lost \$400 million and which, according to the General Accounting Office, has other loans which are likely soon to go into default, causing an additional \$600 million loss) will be eliminated;

- passports may be denied to individuals who owe more than \$10,000 in child support;

- funds authorized under this Act will not be used to further normalize relations with Vietnam unless the President certifies to Congress that Vietnam is cooperating in certain areas related to POW/MIAs;

- broadcasts of Radio Free Asia will be initiated;

- the United States will withhold part of its United Nations assessed contributions for the United Nations budget and for its peacekeeping operations until such time as the United Nations adopts certain management reforms;

- the President will be required to notify Congress 5 days in advance of any Security Council vote to initiate, expand, or modify any United Nations peacekeeping activity;

- restrictions will be placed on sharing intelligence information with the United Nations and its affiliates;

- to the extent that there is any conflict between the Taiwan Relations Act and any provision of the Joint Communiqué of the United States and China of August 17, 1982, the Taiwan Relations Act will overrule the Communiqué;

- it is the sense of Congress that Tibet should be listed as a separate country in executive branch country-by-country reports;

- a United States plan will be developed for responding to emerging infectious diseases that threaten the people of the United States;

- the United States will not participate in an international criminal court except in accordance with a treaty or law;

- aid will not be given to a country if its government prohibits or restricts United States humanitarian assistance; the President will be able to waive this requirement if such waiver is in the national security interest of the United States;

- it will be the United States policy to promote internationally recognized human rights and worker rights in China;

- it is the sense of Congress that the President should decline to visit China until and unless there is dramatic overall progress on human rights in China and Tibet;

- it is the sense of Congress that the Dalai Lama should be invited to visit Washington, DC in 1996;

- it is the sense of Congress that the President of Taiwan should be "admitted to the United States for a visit in 1996 with all appropriate courtesies;"

- it is the sense of Congress that the United States should separate the Republic of China on Taiwan's application for membership in the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO) from the People's Republic of China's application for membership in those organizations; and

- it is the sense of Congress that the Executive Branch should stop obligating the United States to pay for international peacekeeping operations in excess of funds specifically authorized and appropriated for that purpose.

Those favoring passage contended:

This bill will save \$1.7 billion by consolidating the foreign affairs apparatus of the United States. At least one, and up to three, "temporary" Federal foreign policy agencies will be consolidated with the State Department (the USIA, the AID, and the ACDA). The President will have to eliminate at least one of these agencies, and will be able to eliminate one or both of the other two if he so desires. Publicly, the Clinton Administration has been supportive of achieving savings from the foreign affairs budget, but in private it has done everything within its power to derail this bill. We certainly would have preferred much greater savings, but we were willing to compromise. Unfortunately, the Clinton Administration appears unalterably opposed to accepting even the modest reforms of this bill. After the Administration and nearly every Democratic Member refused to be involved in any of the 5 conference meetings on this bill, President Clinton has issued a veto threat. His threat is based on a number of items, a few of which we did not even hear a whispered word of opposition to before now, but those items are all smokescreens for the one real issue, which is the consolidation.

To review the bidding, the Vice President started out by saying we could save \$5 billion over four years by streamlining our

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foreign policy agencies, though he gave no indication of how he expected to accomplish that end. The lapdog press of course yapped their approval for the Vice President's proposal. Next, the Chairman of the Senator Foreign Relations Committee proposed consolidating three independent foreign policy agencies (the USIA, the AID, and the ACDA) with the State Department for savings of \$3 billion over 4 years. Five former Secretaries of State endorsed that plan. The current Secretary of State also endorsed that plan until he was told by the Vice President that he was to oppose it. The press, who were so slavish in their praise of the Vice President's nonexistent proposal for \$5 billion in savings, joined the Administration in condemning the Chairman's real plan for \$3 billion in administrative savings as being too large to bear. Perhaps the press agrees with the Administration that is a lot easier to bear cuts that one promises to make but has no intention of making than it is to deliver on one's promises to cut spending.

Unlike when the Vice President made his proposal, everyone knew that the Chairman of the Foreign Relations Committee was serious. He drafted a bill to effect the consolidation, and he attempted to bring it to the floor. That bill was instantly subjected to a Democratic filibuster. With the exception of the ranking Member of the Committee, Democrats were unwilling even to try to reach a compromise solution. President Clinton did not want to be put in the position of either accepting a consolidation proposal that he opposed or of vetoing it and thus going on record as being against \$3 billion in administrative foreign policy savings. Senate Democrats obliged the President by conducting their filibuster. In response, the Chairman then put a series of holds on nominations that the Administration wanted to move forward. Those holds finally pressured Senate Democrats and the Administration into accepting a compromise proposal worked out between the Chairman and ranking Member to cut only \$1.7 billion and not to require the elimination of any of the 3 agencies. The way that proposal was structured to make the savings come from administrative expenses, though, it was understood that at least one of the three agencies would have to be eliminated. The bill then passed the Senate by a vote of 82-16 (see 104th Congress, 1st session, vote No. 605), and the holds were released.

The bill then went to perhaps the most peculiar conference that we have ever been part of since coming to the Senate. Senate Democrats issued three demands, and then refused to attend the meetings. Republicans tried to involve Democrats, but once the holds on the nominations had been lifted the Democrats were again uninterested in discussing reforms of the United States' foreign policy apparatus. On the Senate side, the ranking Member attended some of the meetings, and the senior Senator from Rhode Island came by briefly for one meeting, but other than that there was no attempt made by Democrats to be involved in the conference. Similarly, the Administration did not concern itself with the conference. Still, conferees attempted to meet the Senate Democrats' concerns. First, they kept the savings at only \$1.7 billion instead of the greater savings in the House bill. Second, they made a good faith effort to resolve the controversies surrounding funding of the United Nations Population Fund, which supports China's coercive abortion policies, and funding of foreign organizations that use abortion as a method of birth control, but no compromise was possible, so all language on those controversies was simply stricken. Third, the Democrats demanded that no more aid provisions be included. Except for the Peace Corps and some antinarcotics funding, that demand was met to the apparent satisfaction of our Democratic colleagues, because we have heard no complaints.

Though we have heard no complaints on that score, we have heard numerous new complaints from the White House and Senate Democrats about this conference report which they refused to help craft. Frankly, their complaints are not credible. We think they are being made only in an effort to create a smokescreen to hide the fact that the President is going to veto a bill that will cut \$1.7 billion of wasteful spending out of the foreign affairs budget. For instance, the President has said he cannot sign a bill that will not remove the current restrictions on population assistance. This claim is stunningly illogical when one bears in mind that President Clinton just signed into law (in February) the law that put those restrictions in place, and that not signing this bill will leave those restrictions in place in any event. Similarly, we find it extremely difficult to believe that the President is willing to veto this bill over the elimination of the foreign housing guarantee program. That program is proving to be the foreign version of the Resolution Trust Corporation. The taxpayers have already been soaked for \$400 million in bad loans by that program, and according to the General Accounting Office, the taxpayers will get hit with at least \$600 million more in loan defaults from loans that are already in existence. Surely the President is not determined to veto this bill because we would deny him the opportunity to throw more good money after bad in this housing guarantee program. Finally, most of the foreign policy provisions attached to this bill which our Democrat colleagues tell us they now find objectionable simply reiterate positions that have been taken by the Senate in the past. Our colleagues may well honestly disagree, but they should recognize that there is nothing radically new about these provisions.

The real issue, as we have already said, is the consolidation. Members who voted for the \$1.7 billion in savings last session have said that this time they cannot support the proposal. The difference, they say, is that the President will be required to eliminate one of these agencies. They admit that under the proposal for which they voted he in effect would have had to eliminate an agency, but they say the difference is that he would not have been ordered to. Supposedly, telling the President to eliminate an agency would infringe on his ability to conduct foreign policy. From our vantage this claim is weak. These agencies were not created by the President; they were created by Congress. Further, when they were created in the 1950s, they were supposed to be temporary agencies. Clearly Congress has the authority to eliminate them. In these tight budgetary times, when pressure is going to continue to grow to achieve savings in the foreign policy budget, Congress, at a minimum, should just as clearly act to eliminate these agencies. As a compromise, Republicans are willing to eliminate only one of them. This compromise is reasonable, and should be accepted.

Those opposing passage contended:

This conference report is not just a traditional nuts-and-bolts reauthorization bill for the Department of State, USIA, AID, and ADCA. It is a controversial, partisan bill with far-reaching provisions. Many elements in this bill could by themselves provoke a veto. Taken all together, there is no chance that the President will sign this bill.

H.R. 1561 seeks to reorganize the foreign affairs agencies in the executive branch by forcing the President to abolish one agency--USIA, AID, or ACDA--and consolidate its functions within the State Department. This action by itself will doom enactment of this measure. As a matter of policy, forcing the abolishment of one of these agencies is ill-advised, because all three have been recently streamlined, making further efficiencies unlikely. As a matter of principle, it will unjustly infringe on the President's constitutional right to design the structure of his own foreign policy apparatus. As a matter of practicality, the President has said he will veto the bill because of this section. Conferees could have avoided these problems simply by accepting the language in the Senate-passed bill, but they instead chose confrontation.

Another problem we have with this conference report is that it contains statements that are hostile to China, particularly regarding issues related to Taiwan. China is growing at a remarkable rate. It is still a communist country, with human rights abuses, arms control problems, and other problems, but fully half of its economy is now in private hands and basic freedoms that have been absent for decades, such as the freedom to travel and the freedom to seek employment wherever one wishes, are now common. We understand that our colleagues are concerned that China may try to take over Taiwan militarily, but we think they should give some weight to the assurance by China that it will not use force, and they should also show some sensitivity to the strong, nationalist sentiment in China that exists largely as a result of China's history of being humiliated by foreigners. Further, they should recognize that the Chinese Government is in a transition period, and that taking steps that appear to favor recognizing Taiwan as a separate country will likely strengthen the hand of reactionary communist forces in China.

Another area of concern we have with this conference report is that it will underfund the Administration's request for the United Nations. The United States is so far behind in its United Nations payments that it is losing world influence. Its allies will not be willing to join it in international efforts if it remains a deadbeat.

This conference report has other objectionable elements as well. For instance, it fails to resolve the controversies over family planning funding, and it strikes funding for an important foreign aid program that guarantees housing loans. The Administration has announced that it will veto this bill for all of the problems we have described. That veto will be upheld. Once we are through with this exercise, we hope that a bipartisan bill will be developed. For the present, we urge the rejection of this conference report.